

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In re New York City Policing During Summer  
2020 Demonstrations*

This document relates to:  
*All Cases*

20-cv-08924 (CM) (GWG)

**[PROPOSED] ORDER**

**WHEREAS**, on January 27, 2023, the Court ordered Defendants to provide proposed deposition dates for witnesses noticed by Plaintiffs by a set schedule and to reschedule cancelled depositions;

**WHEREAS**, the Court had previously explained at a March 4, 2022 teleconference that cancelling a confirmed deposition date for a high-level officer has “got to be something that is of an emergent, emergency nature”;

**WHEREAS** Defendants have since cancelled and not rescheduled numerous depositions without providing the reasons for those cancellations;

**WHEREAS**, on March 28, 2023, the parties met and conferred regarding their concern that these accumulating cancellations would threaten to “load[] extra depositions onto the end of the schedule” which the Court warned against, ECF No. 829, and Plaintiffs learned that some of the cancellations were due to non-emergent situations, including the unavailability of independent union counsel for the deponent and issues collecting witnesses’ cellular phones;

**WHEREAS**, the parties agreed at the conclusion of that conferral that: (1) Defendants shall not cancel a high-level deponent, including a 30(b)(6) witness, unless in case of an emergent situation; (2) Defendants will provide their reasons for any future cancellations at the

time of cancellation; and (3) Defendants will attempt to reschedule cancelled deponents on an alternative proposed date proposed by Plaintiffs.

**WHEREAS**, this Order has been proposed using the mechanism the Court described in ECF No. 490;

**IT IS HEREBY ORDERED** that: (1) Defendants shall not cancel a high-level deponent, including a 30(b)(6) witness, unless in case of an emergent situation; (2) Defendants will provide their reasons for any future cancellations at the time of cancellation; and (3) Defendants will attempt to reschedule cancelled deponents on an alternative proposed date proposed by Plaintiffs.

SO ORDERED:

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Hon. Gabriel W. Gorenstein  
United States Magistrate Judge